

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DAVID HATCHIGIAN and
JOAN RANDAZZO,

Plaintiff(s),

v.

MATTHEWS PAOLI FORD and
FORD MOTOR COMPANY,

Defendant(s).

CASE NO. 2:21-cv-04643

**MOTION TO DISMISS PLAINTIFFS' COMPLAINT
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 12(b)(6)**

Moving Defendant, Ford Motor Company (Ford), by and through its counsel, James P. Peterson, Esquire, files this Motion to Dismiss pursuant to F.R.C.P. 12 (b)(6), as on the face of the complaint plaintiffs' claims must be barred pursuant to Res Judicata as the allegations set forth in Plaintiffs' Amended Complaint against Ford Motor Company have already been litigated and a final Order has been entered.

Additionally, plaintiff's claim under the Magnuson Moss Warranty Act must fail for lack of subject matter jurisdiction as plaintiffs have failed to meet the damages threshold set forth in the Act. Finally, plaintiffs' claims must be dismissed due to improper service.

In support of its Motion, Ford incorporates by reference its Memorandum of Law as though fully set forth herein at length. Moving defendant, Ford, respectfully requests dismissal of Plaintiff's Complaint, with prejudice.

Respectfully submitted,

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